

Applicant: EBERLE *et al.*
Serial No: 09/661,375
Filing Date: Sept. 13, 2000
Page: 6 of 12

REMARKS

Applicants previously filed a Notice of Appeal on May 1, 2006 in response to the Non-Final Office Action mailed January 30, 2006 (hereinafter “Office Action”). Rather than filing Appellants’ Brief on Appeal pursuant to 37 C.F.R. § 41.37, however, Applicants are hereby submitting an Amendment in an effort to expedite prosecution.

By this Amendment, claims 47-48 have been cancelled without prejudice or disclaimer, and claims 27-28, 34, 36, 43, & 45 have been amended. No claims have been newly added. Therefore, claims 27-36 and 38-45 are pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

INFORMATION DISCLOSURE STATEMENT

Applicants filed an Information Disclosure Statement (along with the Notice of Appeal) on May 1, 2006. Applicants respectfully request that the Examiner consider the cited references and provide a signed and initialed copy of the Form PTO-1449 for this submission with the next Office Action.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 27-28, 34-35, and 43-44 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,246,672 to Lumelsky in view of U.S. Patent No. 6,539,359 to Ladd *et al.* (“Ladd”) [Office Action, pg. 2]. Claims 29-33, 36, 38-42, and 45 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination

Applicant: EBERLE *et al.*
Serial No: 09/661,375
Filing Date: Sept. 13, 2000
Page: 7 of 12

of Lumelsky and Ladd, further in view of U.S. Patent No. 6,430,545 to Honarvar *et al.* (“Honarvar”) [Office Action, pg. 6]. Applicants disagree with the propriety of the rejections. However, *solely* in an effort to expedite prosecution, claims 27-28 have been amended to clarify points of novelty over the references of record.

A. Independent Claims 27-28

Independent claims 27 and 28 each recite, *inter alia*, the features of:

...generating a unique active voice page for each subscriber of the at least one voice service, wherein a unique active voice page comprises personalized content created by applying subscriber-specific personalization information for a subscriber to the generated content, and further comprises one or more input elements embedded in the unique active voice page used to request input from the subscriber;

...initiating an outbound communication to a subscriber to establish an interactive voice broadcast with the subscriber;

Assuming arguendo that there was a legally proper teaching, suggestion, or motivation to combine Lumelsky and Ladd in the manner alleged by the Examiner, the two references, even if combined, fail to disclose, teach, or suggest *at least* the foregoing features.

1. The combination of Lumelsky and Ladd fails to teach or suggest “...generating a unique active voice page for each subscriber of the at least one voice service, wherein a unique active voice page comprises personalized content created by applying subscriber-specific personalization information for a subscriber to the generated content, and further comprises one or more input elements embedded in the unique active voice page used to request input from the subscriber.”

Independent claims 27 and 28 have been amended to clarify that content is generated when the at least one voice service is executed, and then personalized content is created for a subscriber by applying subscriber-specific personalization information for the subscriber to

Applicant: EBERLE *et al.*
Serial No: 09/661,375
Filing Date: Sept. 13, 2000
Page: 8 of 12

the generated content. More particularly, a unique active voice page is generated for *each* subscriber of the at least one voice service. A unique active voice page comprises personalized content created for a subscriber (as described above), as well as one or more input elements that are embedded in the unique active voice page and used to request input from the subscriber.

In the Office Action, at pgs. 2-3, the Examiner appears to rely on the content authoring tools offered by authoring system (101) of Lumelsky for “generating content.” Lumelsky appears to teach generating a plurality of Composite Encoded Speech (CES)-based files via authoring system (101) for storage in a data repository (401). CES-based files may be created via a human-authored TTS system (*e.g.*, audio produced by an operator or narrator reading text aloud is compared with speech synthesized artificially from the same text), as well as from known TTS systems where original speech is not available [Lumelsky, FIGS. 1 and 2A-2B; col. 8, lines 38-50; col. 10, lines 20-57; col. 12, lines 59-61; col. 13, lines 1-4; and col. 13, lines 17-38].

Lumelsky does appear to *generally* teach “personalization,” in that CES-based files can be provided to subscribers based on user (or subscriber) profiles which define topic categories of interest (*e.g.*, international news, sports news, business news) for the subscribers [Lumelsky, *e.g.*, FIG. 1; col. 10, lines 63-66; col. 11, lines 63-65; and col. 19, lines 53+]. Lumelsky does *not*, however, appear to teach or suggest that subscriber-specific personalization information for a subscriber is applied *to* a CES-based file (which the Examiner has defined as “generated content”) to *create* personalized content, and that a unique active voice page for a subscriber comprises the created personalized content as well as one or more input elements embedded therein used to request input from the subscriber.

Applicant: EBERLE *et al.*
Serial No: 09/661,375
Filing Date: Sept. 13, 2000
Page: 9 of 12

In the Office Action, at pg. 3, the Examiner recites that “*...a user's list of topics of interest defines 'a unique active voice page generated for the subscriber.'*” Applicants disagree. Lumelsky discloses that associated with each user is a profile, which defines the user's topic categories of interests. This profile is typically defined in terms of a list of topic categories, *e.g.*, international news, sports news, business news, *etc.* [Lumelsky, col. 19, lines 60-63]. If the Examiner defines a user's “list” of topic categories in Lumelsky to be the claimed “unique active voice page,” then the user's “list” of topic categories must satisfy all claim recitations relating to the unique active voice page in the claims. It clearly does not.

The “list” of topic categories in Lumelsky's profile does *not* comprise personalized content *created* by applying subscriber-specific personalization information for a subscriber to a CES-based file (which the Examiner has defined as “generated content”), nor does the “list” of topic categories in Lumelsky's profile comprise one or more input elements embedded in the unique active voice page used to request input from the subscriber. For at least these reasons, the Examiner's reliance on a list of topic categories to be Applicants' claimed unique active voice page is improper. Accordingly, the rejection of independent claims 27 and 28 is improper, and should be withdrawn.

2. The combination of Lumelsky and Ladd fails to teach or suggest “*...initiating an outbound communication to a subscriber to establish an interactive voice broadcast with the subscriber.*”

Lumelsky fails to disclose initiating an outbound communication to a subscriber to establish an interactive voice broadcast with the subscriber. By contrast, Lumelsky appears to require users to establish a session to retrieve information [Lumelsky, *e.g.*, col. 10, lines 63-

Applicant: EBERLE *et al.*
Serial No: 09/661,375
Filing Date: Sept. 13, 2000
Page: 10 of 12

64; col. 11, lines 48-50; and col. 11, lines 38-42]. In particular, Lumelsky recites:

The user initiates a communications session by issuing a log-on command to a control processor 317 in the user's terminal 301. The user commands can be either voice commands, which is the most appropriate method for terminals installed in a vehicle, or the user may press appropriate control keys (not shown) on the user terminal. **The processor 317 of the user terminal sends the log-on request to the PRSS 201** via a radio receiver/transmitter 312 through the wireless data network 403. The request data packet is consequently registered by the closest mobile data base station 405, and routed over the wireless data network 403, e.g., AMPS, GSM, PCS, and the wired communications network 402, e.g., Internet, to the PRSS 201. **The PRSS 201 determines a user's network address which is part of the request data package, implements a user authentication and authorization process, and forwards appropriate CES-based files to the user's terminal 301 via the wired network 402 and the wireless network 403.**

[Lumelsky, col. 11, lines 48-65, **emphasis added**].

As the foregoing passage illustrates, the user in Lumelsky initiates a communication session and the PRSS 201 then forwards appropriate CES-based files to the user's terminal. In the Office Action, at pg. 4, the Examiner recites that Lumelsky discloses “push technology” (at col. 11, line 22) and alleges that “*implicitly, ‘push technology’ involves initiating an outbound communication to the subscriber.*” Applicants disagree for *at least* the reason that the Examiner appears to be taking this teaching of Lumelsky out of context.

In particular, Lumelsky recites:

Next, users request CES-based documents by placing a call from their user terminal 301 to a PRSS 201. The PRSS maintains user profiles 212, as will be explained, which include individual lists of topics of interest. **There are preferably two distinct methods of information retrieval via the PRSS directory services.** It is to be appreciated that the phrase “directory services” refers to the mechanism employed to locate users and entries about users via the PRSS (i.e., similar to a telephone company's so-called “white pages”). There are several known directory service arrangements that are used in server-based environments. **One method is based on assembling the information on all the topics of interests.** Every individual subscriber may establish such a profile during a first set-up communications session and may modify the list during subsequent sessions. **When a subsequent session is**

Applicant: EBERLE *et al.*
Serial No: 09/661,375
Filing Date: Sept. 13, 2000
Page: 11 of 12

initiated, the user will receive all information listed in the user's list of topics, but only that information pertaining to the user selected topics of interest. Practicing the second method, a user may browse among all CES documents, according to temporary established search criteria. A combination of methods can also be used. For example, a user can request additional information on the registered topic of interest, and therefore initialize a browsing process. The above-described methods of searching and browsing via the PRSS may be implemented by schemes similar to the conventional methods of searching and browsing the Internet. For example, it is known that "push technology" permits a user to create a profile and to receive information on topics identified in his profile via the previously established search criteria. However, it is also known that an Internet user may search or browse the Internet via temporary search criteria, e.g., a user enters a particular search term (e.g., "weather") during an on-line session. The PRSS supports such search and browsing methods for automatically and manually obtaining CES-based files for playback on his user terminal.

[Lumelsky, col. 10, line 63 – col. 11, line 30, **emphasis added**].

The foregoing passage discloses that users request documents by placing a call from their user terminal 301 to a PRSS 201. In other words, Lumelsky appears to disclose that users initiate communication. Once communication has been initiated by a user, Lumelsky appears to disclose two methods for information retrieval. Lumelsky further recites that the disclosed information retrieval methods may be implemented by schemes similar to the conventional methods of searching and browsing the Internet. The provided example of "push technology" appears to be applicable to the disclosed information retrieval methods that may be utilized *once communication has been initiated by a user*. As such, Lumelsky does not appear to disclose initiating an outbound communication to a subscriber to establish an interactive voice broadcast with the subscriber. Ladd does not appear to cure this deficiency of Lumelsky. Accordingly, the rejection of independent claims 27-28 is improper, and should be withdrawn.

Applicant: EBERLE *et al.*
Serial No: 09/661,375
Filing Date: Sept. 13, 2000
Page: 12 of 12

B. Dependent Claims 29-36 and 38-45

Claims 29-36 and 38-45 are allowable because they depend from allowable independent claims 27 and 28 respectively, as well as for the further features they recite.

CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: June 27, 2006

Respectfully submitted,

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Addendum

Attachment 1

SYSTEM AND METHOD FOR THE CREATION AND AUTOMATIC DEPLOYMENT OF PERSONALIZED, DYNAMIC AND INTERACTIVE VOICE SERVICES, WITH SYSTEM AND METHOD THAT ENABLE ON-THE-FLY CONTENT AND SPEECH GENERATION